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SCHEDULING ORDER

**Author:** Chakeres, Aristide

**Document Type:** PLEADING

**LSA(s):** HHENDERSON

**Co-Counsel:**

**Counsel LSA(s):**

**Distribution List:** ENRD, EESCaseManagement (ENRD); Lattin, Sue (ENRD); Rose, Robert (ENRD); Berman, Lisa (ENRD);Chakeres, Aristide (ENRD);Henderson, Heather (ENRD)

**Fileroom:** EES - 8th Floor

**DJ#:** 90-5-2-1-09242

**Case Name:** U.S. V. JAMES BALLENGEE, ET AL

**Court:** LA E.D. La.; 5th Cir.

**Notes:**

**Double-Sided:**

**Received Date:** 11/9/2012

**Urgent:**

**Oversize:**

**Bound Document:**

U.S. DISTRICT COURT  
WESTERN DISTRICT OF LOUISIANA  
RECEIVED SHREVEPORT

NOV - 5 2012

TONY R. MOORE, CLERK  
BY 62 U.S.A. DEPUTY

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF LOUISIANA  
SHREVEPORT DIVISION

Chak-eres, Aristide

CIVIL ACTION NO. 11-1781

versus

JUDGE DONALD E. WALTER

JAMES BALLENGEE, ET AL

MAGISTRATE JUDGE MARK L. HORNSBY

SCHEDULING ORDER

All motions to extend deadlines shall be accompanied by a statement that the granting of the motion shall or shall not affect the trial setting. No motion to continue the trial because of a previous trial conflict will be considered earlier than two weeks prior to the date of this trial.

JURY TRIAL:

September 23, 2013 at 9:00 a.m.

PRETRIAL CONFERENCE:

August 23, 2013 at 10:00 a.m.

(Out-of-town counsel may participate by telephone upon prior approval of the court)

PRETRIAL ORDER:\*

(See Appendix A)

August 19, 2013 by NOON

DEADLINES:

FOR:

CLOSED

1. JOINDER OF PARTIES AND AMENDMENT OF PLEADINGS

CLOSED

2. WITNESS LISTS. Plaintiff's witness list to defendant, to include name, address, and a brief statement of the nature of their expected testimony by the date indicated. Defendant's list (other than experts) shall be delivered to plaintiff 5 business days after receipt of plaintiff's list.

May 13, 2013

3. EXPERTS, other than treating physicians. Plaintiff shall deliver reports in compliance with Rule 26(a)(2)(B), except for the listing of prior depositions. If there is any subsequent change in the expert's opinion, or its basis, the offering attorney must notify all counsel within 5 business days thereafter.

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CLOSED

4. FURNISHING REPORTS OF TREATING HEALTH CARE PROVIDERS.

May 28, 2013

5. (a) DEFENDANT'S EXPERT REPORTS. See ¶3.

(b) DISCOVERY COMPLETION, including filing of any motions to compel. Written discovery must be served more than 30 days before the deadline.

(c) DISPOSITIVE MOTIONS.

(d) COMPUTER GENERATED EVIDENCE. Any party intending to offer computer generated evidence must allow opposing counsel - by this date - to examine the exhibit, or a copy, and all underlying assumptions and/or software. Discovery regarding such evidence may continue 30 days beyond this deadline. Any challenge to the evidence shall be by motion in limine. Computer generated evidence includes any evidence, substantive or demonstrative, which is created or generated by computer, but excludes any evidence which has not been modified in any way and which is merely to be exhibited or presented during the trial.

July 12, 2013

6. (a) EXPERT DEPOSITIONS. Unless given earlier, experts must be available for deposition during the two weeks before this date.

(b) DAUBERT MOTIONS. Any challenge to expert testimony, and exhibits or demonstrative aids based upon such testimony, on grounds that they are not relevant or reliable, must be filed within 15 days after this date and opposed within 15 days thereafter.

July 26, 2013

7. PLAINTIFF'S COUNSEL TO HOST CONFERENCE TO PREPARE PRETRIAL ORDER.

(a) Not later than thirty (30) days prior to the deadline for filing the pretrial order, counsel for plaintiff(s) shall serve upon counsel for all other parties the proposed contents of the pretrial order, including a list of exhibits.

(b) Within five (5) business days of receipt of plaintiff's submissions, each defense counsel shall serve upon counsel for other parties those matters to be incorporated in the pretrial order, including a list of exhibits. Additionally, defense counsel should submit any objections or changes to the proposals served by counsel for plaintiff(s).

(c) All trial counsel shall confer to prepare the proposed pretrial order by the stated deadline. The Court prefers that such conference occur in person, but should a face-to-face conference not be feasible or practical, parties may confer by telephone.

IT IS THE DUTY OF ALL COUNSEL TO NOTIFY THE COURT IN WRITING IF, AFTER REASONABLE EFFORT, ANY PARTY CANNOT OBTAIN THE COOPERATION OF OTHER COUNSEL.

August 09, 2013

8. (a) **MOTIONS IN LIMINE** \* Any opposition thereto shall be filed at least 5 business days before the pretrial conference.

(b) **EXCHANGE OF A NUMBERED SET OF ALL EXHIBITS** between counsel. Each exhibit must carry the same exhibit number throughout, including depositions and at trial. The numbers need not be sequential, they must simply be unique and consistent as to each exhibit.

In jury cases with more than 25 pages of exhibits, all exhibits **must** be put on CD-ROM for presentation during trial. It is recommended that the CD be provided to the courtroom deputy the week prior to trial. In non-jury cases, a numbered set of exhibits and exhibit list shall be delivered to chambers one week prior to trial.

September 16, 2013 9. (a) **(NON-JURY TRIALS) TRIAL BRIEF** \*

Each party must deliver to chambers a memorandum consisting of only the few controlling cases and a summary of the testimony of each witness, which need not be filed nor exchanged with opposing counsel.

(b) **(JURY TRIALS) JOINT JURY INSTRUCTIONS AND INTERROGATORIES** \*

In jury cases, the parties shall deliver to chambers on disk (in WordPerfect 6.1) Joint proposed Jury Instructions and Jury Interrogatories. In the event the parties cannot agree on one or more charges, each disputed charge shall be prepared separately including a pinpoint citation of the authority upon which counsel relies.

(c) EDITING OF TRIAL DEPOSITIONS/FILING OBJECTIONS \*

All depositions to be used at trial (which must be by videotape in jury cases) shall be edited to remove all non-essential material.

THUS DONE AND SIGNED at Shreveport, Louisiana, this 5th day of November, 2012.



DONALD E. WALTER  
UNITED STATES DISTRICT JUDGE

\* ONE COPY OF THIS ITEM SHALL BE DELIVERED TO THE TRIAL JUDGE'S CHAMBERS.

APPENDIX "A"

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF LOUISIANA  
\_\_\_\_\_  
DIVISION

\_\_\_\_\_  
Plaintiff

versus

CIVIL ACTION NO. \_\_\_\_\_

\_\_\_\_\_  
Defendant

PRETRIAL ORDER

Following pretrial proceedings in this cause pursuant to the procedure of this court, IT IS ORDERED:

A.

This is an action for: (State nature of action, including damages or other relief sought and identification of parties.)

B.

The parties and their legal relationships are as follows: (State legal relationship of all parties with reference to claims, counterclaims, third-party claims, etc. In a direct action against insurer, the insured must be identified.)

C.

Statement of jurisdiction: (State the facts and statutory basis for federal jurisdiction.)

D.

The following facts are stipulated by the parties and require no proof: (Numerical listing of uncontested material facts.) To narrow issues and to eliminate unnecessary witnesses, counsel's best efforts are expected in preparing stipulations.

E.

The contested facts are: (Each issue shall be stated as a concise narrative of each party's contention about each issue; the issue SHALL NOT be offered solely as a question.) (Example: 1. The plaintiff contends the manifold was defective at the time of manufacture. 2. The defendant contends the plaintiff modified the manifold and exhaust system.)

F.

The contested issues of law to be determined by the Court. (Each issue shall be stated as a concise narrative of each party's contention about each issue; the issue SHALL NOT be offered solely as a question.)

G.

The following depositions and answers to interrogatories will be offered in evidence: (Prior to trial, counsel shall edit from the deposition irrelevant material.)

H.

There is no objection to the exhibits on the attached lists, except as follows: (State the basis for any objections as to each exhibit separately).

I.

This is a (jury or non-jury) case. (In a jury case, indicate whether the jury trial is applicable to all aspects of the case or identify those issues which will be tried by the jury.) Anticipated length of trial is \_\_\_\_ days.

J.

The issue of liability (should or should not) be tried separately from that of quantum.

K.

The undersigned hereby certify that this Pretrial Order has been formulated after (face-to-face or telephone) conference in which trial counsel for all parties were included. Reasonable opportunity has been afforded to counsel for corrections or additions, prior to signing. Hereafter, this Order shall control the course of the trial and may not be amended except by consent of the parties and the Court, or by the order of the Court to prevent manifest injustice.

APPROVED AS TO FORM AND CONTENT:

\_\_\_\_\_  
Attorney for plaintiff, address and  
telephone number

\_\_\_\_\_  
Attorney for defendant, address and  
telephone number

- Attachments: 1. Exhibit List - numbered index of each document to be offered, with objections thereto and basis thereof.
2. Witness List - listing all witnesses, other than those exclusively for impeachment, separated into "may call" and "will call" lists.

ACTION BY THE COURT

THE FOREGOING Pretrial Order has been approved by the parties to this action as evidenced by the signature of their counsel hereon, and the Order is hereby entered and will govern in the trial of this case.

Shreveport, Louisiana, this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
UNITED STATES DISTRICT JUDGE



**U.S. District Court**  
**Western District of Louisiana**

**Notice of Electronic Filing**

The following transaction was entered on 11/6/2012 at 1:49 PM CST and filed on 11/5/2012

**Case Name:** USA v. Ballengee et al  
**Case Number:** 5:11-cv-01781-DEW-MLH  
**Filer:**  
**Document Number:** 27

**Docket Text:**

**SCHEDULING ORDER:** Jury Trial set for 9/23/2013 09:00 AM in Shreveport, Courtroom 2 before Judge Donald E Walter. Pretrial Conference set for 8/23/2013 10:00 AM in Chambers before Judge Donald E Walter. Pretrial Order due by 8/19/2013. Plaintiffs Expert Info/Reports due by 5/13/2013. Defendants Expert Info/Reports due by 5/28/2013. Discovery deadline 5/28/2013. Dispositive Motions due by 5/28/2013. Expert Depositions due by 7/12/2013. Daubert Motions due by 7/12/2013. Conference/Meeting of counsel to prepare pretrial order to be held by 7/26/2013. Motions in Limine due by 8/9/2013. Trial Brief/Pretrial Submissions due by 9/16/2013.. Signed by Judge Donald E Walter on 11/5/2012. (Attachments: # (1) Appendix)(crt,Joffrion, B)

**NOTICE FROM U.S. DISTRICT COURT - WESTERN DISTRICT OF LOUISIANA**

Ignacia S Moreno  
U S Dept of Justice Env & Natural Resources (7611)  
P O Box 7611  
Washington, DC 20044

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Case: 5:11-cv-01781 #27  
9 pages printed: Tue Nov 6 14:01:40 2012

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**YOU COULD RECEIVE THIS NOTICE AS SOON AS  
IT IS ENTERED INTO THE COURT'S RECORD**

The Clerk now provides E-mail notice of entry of all documents filed in our court. This includes pleadings filed by your opposing counsel as well as ruling, orders and judgments of the court.

This E-mail Notice of Filing allows you to view the actual document immediately after it is entered into the court's record. You can then print or save a copy of the document on your computer. The full Notice of Electronic Filing can be accessed on the electronic docket sheet.

To sign up for this valuable service or to find out more information, please visit our website at [www.lawd.uscourts.gov](http://www.lawd.uscourts.gov). Please note that you must consent to receive E-mail notification via our online sign-up form. A written request to the Clerk is not an acceptable form of registration.

You can also provide additional E-mail addresses when you sign up. This will be particularly useful if you want a staff member to assist you with monitoring the filings in your cases.

3 STATES DISTRICT COURT  
DISTRICT OF LOUISIANA  
3. COURTHOUSE  
NNIN ST., SUITE 1167  
IT, LOUISIANA 71101-3083

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